

**CERTIFIED FOR PUBLICATION**  
**IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA**  
**SECOND APPELLATE DISTRICT**  
**DIVISION SIX**

NICHOLAS A. FRANKE,

Plaintiff and Respondent,

v.

BAM BUILDING COMPANY et al.,

Defendants and Appellants.

2d Civil No. B204830  
(Super. Ct. No. 238934)  
(Ventura County)

**ORDER MODIFYING OPINION  
AND DENYING REHEARING  
[NO CHANGE IN JUDGMENT]**

**THE COURT:**

It is ordered that the opinion filed herein on March 17, 2009, be modified as follows:

1. On page 5, the first full paragraph after the second sentence ending with "financial management," add as footnote 5 the following text, which will require renumbering of all subsequent footnotes:

BAM did not object to Franke's expert qualifications. BAM did move in limine to preclude Franke from offering legal opinions with respect to such things as interpretation of statutes or the legal validity of the lien. The court declined to rule on the issue in limine, determining that the issue should instead be raised by specific objection "on a question and answer basis" and refusing a standing objection. BAM did not make specific objections to Franke's expert testimony concerning bankruptcy administration and the handling of bankruptcy claims. BAM's single objection to a legal opinion was sustained.

There is no change in the judgment.

Appellants' and respondent's petitions for rehearing are denied.